Remarks

The claims are 1-6, with claims 1 and 4 being independent. Reconsideration of the present claims is respectfully requested.

Claims 1-6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over DE 33 31 517 (as discussed at page 2, lines 16-31 of Applicants' specification) in view of Jenner. Applicants respectfully traverse this rejection.

At the outset, Applicants would like to thank the Examiner for the time and consideration extended during the interview of March 4, 2004, at which time the Examiner indicated that claims 1-6 were allowable. As noted in the Interview Summary of same date, German patent document DE 33 31 517 does not have any specific examples of a three salt combination as presently claimed by the Applicants; what is more, Applicants' declaration dated June 23, 2003, evidences the synergism for the presently claimed three salt combination as compared to related two salt combinations.

For the sake of completeness, Applicants would like to summarize the evidence presented in this case in support of the patentability of the present claims. First, on July 17, 2002, Applicants submitted the declaration of William Mutilangi which evidenced the synergistic effect of the claimed metal salt combination in a beverage sweetened with sucralose and acesulfame-K. In short, it was shown that more pronounced and better effects on overall sweetness intensity, aftertaste duration, cola flavor strength and mouthfeel are attained using a combination of calcium phosphate, calcium sulfate and potassium sulfate in a low-calorie beverage sweetened with sucralose/acesulfame-K than when using any of the salts alone in such a beverage.

Second, on June 23, 2003, Applicants submitted the second declaration of William Mutilangi which evidenced the synergistic effect of the claimed three metal salt combination, as compared with a two salt combination of calcium sulfate and calcium phosphate. In short, it was shown that better effects on overall sweetness intensity and cola flavor strength are attained using a three salt combination of calcium phosphate, calcium sulfate and potassium sulfate in a low-calorie beverage sweetened with sucralose/acesulfame-K than when using a two salt combination of calcium phosphate and calcium sulfate in such a beverage.

The comparable effects on sweetness intensity, aftertaste duration, cola flavor strength and mouthfeel presented in both of Dr. Mutilangi's declarations are set forth in Table 1 below and explained in detail in Dr. Mutilangi's declarations.

Table 1.

	$CaPO_4$	$CaSO_4$	KSO_4	$CaPO_4$ and $CaSO_4$	$CaPO_4$, $CaSO_4$ and KSO_4
sweetness intensity	0	0	+1	0	+2
aftertaste duration	0	-0.5 or -1	0	-2	-2
cola flavor strength	-1.5	0	0	-1.5	0
mouthfeel	+1	0	0	+1	+1

*the following scale was used:

much less same much more

-3 -2 -1 0 +1 +2 +3

|----------|----------|----------|----------|----------|----------|----------|

In sum, it remains Applicants' position that the presently claimed synergistic blend of metal salts, as well as the particular amount in which the blend is

present, is not disclosed or suggested by any of the presently applied references. Therefore, withdrawal of the §103 rejections, favorable reconsideration and passage to issue of the present case is respectfully requested.

If, upon consideration of this response, the Examiner believes there are any outstanding issues, it is respectfully requested that the Examiner contact the undersigned attorney in an effort to expeditiously resolve such issues.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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